srp.

HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1352 OF 2007.

Ms. Nayana Mahesh Yadav. ..Petitioner.
Versus.
The State of Maharashtra & ..Respondents.

Mr. S. Suryawanshi i/b P. A. Pol for the petitioner.

Mr. P. P. Kakade A.G.P. for the Respondent-State.

CORAM: S. B. MHASE &
R.S.MOHITE, JJ.
DATE: JUNE 13, 2007.

P.C.

1. Heard. The petitioner has approached this Court challenging the order dated 11-10-2006 passed by the Chief Officer, Raigad whereby the petitioner was informed that the petitioner has failed to comply with Condition Nos. 10 & 11 of his appointment order dated 21st August 2006, and therefore his services were terminated. It is to be noted that the petitioner was selected to the post of Senior Assistant (Accountant) in District Services Class-3 (Second Clerk Grade) in open category for the Project Affected Persons. In so far as the certificate of the Project Affected Person is concerned, that certificate is not produced by the petitioner as it was necessary for him under Condition No.11 to submit the said certificate so as to protect his services. In fact the post was reserved for the project affected person, and on the contrary his claim for the project affected person has been rejected.

Therefore, in any circumstances at this stage the order of termination of the petitioner's services is justified one and no interference is called for.

2. Another grievance made by the petitioner is that the appointment of the respondent no.6 is also illegal because he is not possessed of the Project Affected Person Certificate. Once the petitioner loses her claim over the post it is not open for her to challenge the appointment of the respondent no.6 as observed earlier. Under these circumstances we refrain to entertain the petition in so far as the termination of the petitioner and her challenge to the appointment of respondent no.6 is concerned.

3. So far as the rejection of the certificate as Project Affected Person is concerned, the petitioner is at liberty to file a separate petition. Under these circumstances we refrain to entertain the petition and petition is hereby rejected.

(R.S.MOHITE, J.) **(S.B.MHASE, J.)**